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EXAMINER	
FABER, DAVID	
ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,935	LLOYD-JONES ET AL.	
	Examiner	Art Unit	
	David Faber	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,11-21,23-29,31 and 34-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,11-21,23-29,31 and 34-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *13 March 2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 8 June 2006.

2. Claims 1, 6, 11, 12, 16, 20, 21, 23, 24, 39, and 55 have been amended. Claim 22 has been cancelled by the Applicant.

3. The rejection of Claim 22 under 35 U.S.C. 101 has been withdrawn necessitated by the amendment. The rejection of Claims 6, 11, 20, 21, 29, 34, 43,and 44 under 35 U.S.C. 112 has been withdrawn necessitated by the amendment.

4. Claims 1-6, 8, 11-21, 23-29, 31, and 34-55 are pending. Claims 1, 23, 24 and 55 are independent claims.

Information Disclosure Statement

5. The information disclosure statement filed 13 March 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Form PTO-1449 fails to list the EPO Search Report provided with the IDS. Since the EPO Search Report provided is not listed, it fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or *other information submitted for consideration by the Office*. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2, 15-18, 20-21, 23-25, 38-44, 49, and 54 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al (US Patent #6,687,878, filed 3/15/1999) in further in view of Berquist et al (US Patent #5,821,931, patented 10/13/1998)

As per independent Claim 1, Eintracht et al discloses a method comprising:

- Displaying a plurality of predetermined icons, each labelled with one or predetermined metadata labels. (Fig 1B, 1C, indicator 16: Discloses a plurality of notes in a location that was predetermined placed being attached to various regions on the image (Column 7, lines 1-5) Column 15, lines 11-13, e.g., discloses text can be inputted which produces the note as a label, thus displayed as a metadata label. In addition, the note itself is the icon, while the text input is the labeling aspect of the icon. Thus, Eintracht et al's note is an icon with metadata label capabilities of being displayed)

- Detecting selection of at least one of the displayed plurality of predetermined icons. (Column 15, lines 24-27: Discloses selecting a note to be dragged and dropped to another location on an image. The detection is inherently detected by positioning the cursor over the note and activating the cursor to note enabling it to be moved or dragged to a new location.)
- Determining a location of a subject rendered based on a selection of the subject. (Column 15, lines 24-27: discloses the note being moved to a new different location. When the user moves the note to a new location to be placed, the user is inherently determining a location for the note to be placed.)
- linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image, and storing the linked one or more predetermined metadata labels and the description as an annotation of the image. (Eintracht et al discloses in Column 19, lines 42-67, notes are stored being associated with a document or image and in FIG 11; Column 17, lines 29-30, Eintracht et al discloses an anchor field for each note in a database that stores the coordinates of the of the note in the document thus linking the note to the document and disclosing the precise location of the note in the document.)

Eintracht et al fails to specifically disclose when determining a location on a image that wherein one or more predetermined metadata labels associated with the selected icon relate to said selected subject. However, Eintracht et al discloses that text can be entered into the metadata area (Column 15, lines 11-13). It would have been

obvious to one of ordinary skill in the art at the time of Applicant's invention that text inputted into a note that it would contain related subject matter to the image the note would be placed on, then place the note with the information onto the subject in the image would have provided the benefit of a user using the note annotation to know the details regarding the subject matter within an image or document.

In addition, Eintracht et al fails to specifically disclose displaying the image adjacent to said plurality of predetermined icons. However, Berquist et al discloses in FIG 4, a number of notes being displaying adjacent to an application program executing window containing a document. In addition, FIG 6 discloses a note placed adjacent to a window containing a document before being dragged onto the document. While Berquist et al discloses an embodiment of notes being adjacent to document, Berquist et al discloses a note may be attached to a graphic or a video frame. It was well-known in the art at the time of Applicant's invention document have the ability to contain images, or the application program running had the ability to only show an image, thus therefore it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention that a note could be displayed adjacent to the image within a document or within an application program since Berquist et al would have provided the benefit to Eintracht et al in which preventing objects on the screen from overlapping, and being able to determine a location prior in moving the object onto the desired location..

As per dependent Claim 2, Claim 2 recites similar limitations as in Claim 1 and is rejected under similar rationale. Eintracht et al discloses a method:

- wherein the selection of said subject is detected by dragging the selected icon to the image and dropping the dragged icon on the subject of the image. (Column 15, line 24-27: Discloses selecting a note to be dragged and dropped to another location on the image. The detection is inherently detected by positioning the cursor over the note and activating the cursor to note enabling it move dragged to a new location. When the user moves the note to either part of the image and placed, the note is anchored to that coordinate (Column 7, lines 62-64) therefore the subject selected is detected.)

As per dependent Claim 15, Claim 15 recites similar limitations as in Claim 1 and is rejected under similar rationale. Furthermore, Eintracht et al discloses:

- wherein one or more predetermined metadata labels are stored as the annotation of the subject and are displayed upon selecting the subject in the image. (Column 7, lines 13-17, discloses when a note is selected on the note list, its counterpart icon in the document window frame is highlighted)

As per dependent Claim 16, Eintracht et al discloses a method:

- Providing a list of predetermined metadata labels and associating one or more of the predetermined metadata labels from the list of predetermined metadata labels with each of the plurality of predetermined icons (Column 4, lines 4-17 discloses the image displaying a plurality of notes as labels. The notes are listed in a Note List, which displays a list of all the annotations

associated with the image shown in the window. Thus, when a note is selected on the Note List, its counterpart icon in the document window frame is highlighted)

As per dependent Claim 17, Eintracht et al discloses a method:

- The list of predetermined metadata labels is provided from a database (Column 7, lines 44-46: coupled to a database; Column 10, lines 40-63)

As per dependent Claim 18, Eintracht et al discloses a method:

- wherein said storing step included storing the one or more predetermined metadata labels as the annotation of the subject of the image by using a tag indicating an association with the image (Column 3 Lines 13-36 i.e. the document file for storing one or more documents, a notes database located on the server, the notes database for storing one or more notes, each note or tag associated with a particular document or subject, one or more notes clients coupled to a network, each notes client operative to locally display a representation of a document remotely stored on the server in the document file, the notes client adapted to permit a user to annotate the document with one or more notes, the notes client operative to simultaneously display the one or more notes associated with the document over the displayed document such that the document is viewable along with the one or more notes

As per dependent Claim 20, Eintracht et al discloses a method further comprising:

- the step of e-mailing at least the image to at least one e-mail address based on the one or more predetermined metadata labels associated with the image. (Column 22 Lines 33-37 i.e. emails to client or user)

As per dependent Claim 21, Eintracht et al discloses a method further comprising:

- the step of replacing a default icon by the selected icon based on the subject of the image. (Column 15, lines 10-37,discloses the ability to view, create, modify, or delete notes. Therefore, one can delete the icon located on the selected subject, and either create a new note or move a note to a new location onto that subject).

As per independent Claim 23, Claim 23 recites a "computer readable medium..." for performing the method of Claim 1, and therefore is similarly reject under Eintracht et al and Berquist et al.

As per independent Claim 24, Claim 24 recites a appartus for performing the method of Claim 1, and therefore is similarly reject under Eintracht et al and Berquist et al. Furthermore, Eintracht et al disclose a display, selection and storage means (Column 28, lines 1-27)

As per dependent Claim 25, Claim 25 recites similar limitations as in Claim 2 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 38, Claim 38 recites similar limitations as in Claim 15 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 39, Claim 39 recites similar limitations as in Claim 16 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 40, Claim 40 recites similar limitations as in Claim 17 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 41, Claim 41 recites similar limitations as in Claim 18 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 43, Claim 43 recites similar limitations as in Claim 20 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 44, Claim 44 recites similar limitations as in Claim 21 and is similar rejected under Eintracht et al and Berquist et al.

As per dependent Claim 49, Eintracht et al discloses a method:

- the linked one or more predetermined metadata labels and the descriptions are stored as an annotation of the subject of the image. (Eintracht et al discloses in Column 19, lines 42-67, notes are stored being associated with a document or image and in FIG 11; Column 17, lines 29-30, Eintracht et al discloses an anchor field for each note in a database that stores the coordinates of the of the note in the document thus linking the note to the document and disclosing the precise location of the note in the document.)

As per dependent Claim 54, Claim 54 recites similar limitations as in Claim 49 and is similar rejected under Eintracht et al and Berquist et al.

8. Claims 3-6, 8, 11, 13, 26-29, 31, 34, 36, 45-48, 50-53, and 55 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al (US Patent #6,687,878) in further in view of Berquist et al (US Patent #5,821,931) in further view of Murray et al (US Patent #6,597,800, filed 9/22/1999).

As per dependent Claims 3 and 4, Eintracht et al and Berquist et al fail to specifically disclose the bounded region is formed based on an analysis of pixels of the image and the analysis of the colour information of the pixels of the image. However, Murray et al discloses a process in which an image is captured by a camera utilizing a two dimensional array of light intensity sensitive pixels that carries out the processing on the image data to separate and identify objects from the background appearing in the image. (Column 1, lines 15-30) Then, Murray et al discloses the bounding box encloses segmented pixels forming homogeneous region of objects of interest. (Column 2, lines 63-65; Column 4, lines 27-30) Therefore, when objects are being identified, being bounded with boxes and separated based on the interest, pixels are being analyzed to determined which pixels are the same within the region to be separate from the different region of pixels based on the color of the pixel or the difference of visible light shown.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Murray et al's method since Murray et al's method since Murray et al's method would

have provided the benefit of an automatic recognition of a target object that improves the accuracy of target object recognition and identification.

As per dependent Claims 5, 13, 48, and 53, Eintracht et al and Berquist et al fail to specifically disclose the bounded region is of a predetermined size or determined automatically, and the size of the bounded region is determined based on the analysis. However, Murray et al discloses the bounding box just encloses the segmented pixels forming a primary homogenous region. (Column 2, lines 63-65; Column 4, lines 27-30) Therefore, only bounding related pixels, the box is determined automatically and is predetermined based on the number of related pixels. In addition, when objects are being identified, being bounded with boxes and separated based on the interest, pixels are being analyzed to determined which pixels are the same within the region to be separate from the different region of pixels. Thus, the size is being determined to form a homogenous region.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Murray et al's method since it provided the benefit of only bounding a region of related pixels of interest from regions of no interest.

As per dependent Claim 6, Eintracht et al and Berquist et al fail to specifically disclose the step of forming a bounded region within the image about the location at which the subject is rendered in said image, the bounded region being configured

substantially surround the subject. However, Murray et al discloses a bounding box is the rectangle which encloses the segmented pixels forming a primary homogenous region which depicts objects of interest (Column 2, lines 63-65; Column 4, lines 27-30)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Murray et al's method since Murray et al's method since Murray et al's method would have provided the benefit of an automatic recognition of subjects to identify the presence of people.

As per dependent Claim 8, Eintracht et al discloses dragging an icon. Column 15, line 24-27) However, Eintracht et al and Berquist et al fails to specifically disclose a bounded region under the dragged icon is emphasized. On the other hand, Murray et al discloses a bounding box is a rectangle enclosing a region, thus therefore the bounded region being emphasized.

It would have been oblivious to one of ordinary skill in the art the time of Applicant's invention to have combined have combined Eintracht et al and Berquist et al's method with Murray et al's method of bounding box since it provide the benefit of a clear identification of an object that's being identified in an image. (Column 2, lines 63-65; Column 4, lines 27-30)

As per dependent Claim 11, Eintracht et al and Berquist et al fail to specifically disclose the step of extracting a part of the image based on the bounded region.

However, Murray et al discloses an image being divided into one or more primary homogenous regions and extracting the data from the image regarding the primary regions. (Column 2, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Murray et al's method since it provided the benefit of extracting individual complete objects for further image processing.

As per dependent Claim 26, Claim 26 recites similar limitations as in Claim 3 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 27, Claim 27 recites similar limitations as in Claim 4 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 28, Claim 28 recites similar limitations as in Claim 5 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 29, Claim 29 recites similar limitations as in Claim 6 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 31, Claim 31 recites similar limitations as in Claim 8 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 34, Claim 34 recites similar limitations as in Claim 11 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claim 36, Claim 36 recites similar limitations as in Claim 13 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claims 45 and 46, Eintracht et al fail to specifically disclose the description includes a location and the size of the bounded region within the image. However, Murray et al discloses a bounding box encloses segmented pixels forming a primary homogenous region wherein the information is transmitted to an extraction device. Since a bounding box is formed around the pixels, the size is by the pixels within the box and a location is found by where the box is located. Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Murray et al's method of a bounding box since the bounding box data would have provided the user information on the location of a object of interest and the size of the object within an image.

As per dependent Claim 47, Eintracht et al discloses dragging an icon. Column 15, line 24-27) However, Eintracht et al and Berquist et al fails to specifically disclose a bounded region is formed at a location at which the selected icon is dropped on the image. On the other hand, Murray et al discloses a bounding box is a rectangle enclosing a region of related pixels of an object of interest. (Column 2, lines 63-65; Column 4, lines 27-30)

It would have been oblivious to one of ordinary skill in the art the time of Applicant's invention to have combined have combined Eintracht et al and Berquist et al's method with Murray et al's method of bounding box since it provide the benefit of a clear identification of an object that's being identified in an image.

As per dependent Claims 50-51, Claim 50-51 recites similar limitations as in Claim 45-46 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per dependent Claims 52, Claim 52 recites similar limitations as in Claim 47 and is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

As per independent Claim 55, Claim 55 recites similar limitations as in Claim 1 and 6 combined and therefore is similar rejected under Eintracht et al, Berquist et al, and Murray et al.

9. Claims 12 and 35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al (US Patent #6,687,878, filed 3/15/1999) in further in view of Berquist et al (US Patent #5,821,931, patented 10/13/1998) in further view of Murray et al (US Patent #6,597,800, filed 9/22/1999) in further view of Takaha (US Patent #6,021,221, patented 2/1/2000).

As per dependent Claim 12, Eintracht et al, Berquist et al, and Murray et al fail to specifically disclose displaying the extracted part of the image. However, Takaha discloses displaying the extracted image of the pixels that were extracted from the original image (Column 6, lines 2-5; Column 15, line 66 – Column 16, 2)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al, Berquist et al, and Murray et al's methods with Takaha's method since Takaha's method would have provided the benefit of only showing areas of interest within an image after extracting.

As per dependent Claim 35, Claim 35 recites similar limitations as in Claim 12 and is similar rejected under Eintracht et al, Berquist et al, Murray et al, and Takaha.

10. Claims 14 and 37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al (US Patent #6,687,878, filed 3/15/1999) in further in view of Berquist et al (US Patent #5,821,931, patented 10/13/1998) in further view of Murray et al (US Patent #6,597,800, filed 9/22/1999) in further view of Doyle (US Patent #6,616,701, filed 4/3/2001; continuation of appl #09/316,496, filed 5/21/1999; provisional appl. #60/086,620, filed 5/23/1998).

As per dependent Claim 14, Eintracht et al, Berquist et al, and Murray et al fail to specifically disclose that the size of the bounded region is changeable by the user. However, Doyle discloses objects in the image data are interactively outlined in which the user is present. (Column 3, lines 23-25) Since the process of outlining can be done interactively, the user is defining and/or changing the size of the bounded region.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al, Berquist et al, and Murray et al's methods with Doyle's method since Doyle's method would have provided the method allowing objects within in a single multidimensional dataset to be mapped.

As per dependent Claim 37, Claim 37 recites similar limitations as in Claim 14 and is similar rejected under Eintracht et al, Berquist et al, Murray et al, and Doyle.

11. Claims 19 and 42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eintracht et al (US Patent #6,687,878, filed 3/15/1999) in further in view of Berquist et al (US Patent #5,821,931, patented 10/13/1998) in further view of Balabanovic et al (US Patent #6,976,229, filed 12/16/1999).

As per dependent Claim 19, Eintracht et al and Berquist et al fail to specifically disclose the one or more predetermined metadata labels associated with the subject of the image are stored in an XML file. However, Balabanovic et al discloses metadata regarding information to an image being stored in an XML format/file. (FIG 5(a,b)-6; Column 10, lines 1-3, 21- 22, 40-41)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have combined Eintracht et al and Berquist et al's method with Balabanovic et al's method of using metadata in XML format since it would have provided the benefit of flexibility to for the file to be easily translated into other formats to viewed by other on different devices.

As per dependent Claim 42, Claim 42 recites similar limitations as in Claim 13 and is similar rejected under Eintracht et al, Berquist et al, and Balabanovic et al.

Response to Arguments

12. Applicant's arguments filed 8 June 2006 have been fully considered but they are not persuasive.

In regards of Applicant's arguments that Eintracht et al does not teach some or all the features of Claim 1 and its parallel claims, Examiner disagrees. Based on the

claim language disclosed within the claims, Eintracht et al discloses displaying a plurality of predetermined icons (FIG 1B, 1C) each labeled with one or more predetermined metadata labels (Column 15, lines 11-13). The note itself is the icon, while the text input is the labeling aspect of the icon. Thus, Eintracht et al's note is an icon with metadata label capabilities of being displayed. Since the claim language fails to specify who, when, or how the labels and icons are predetermined in the matter disclosed within the claims, Eintracht discloses a user can "predetermine" or decide where the position to display the note by placing the note at the location the user chooses, (Column 15, line 15; In addition, the user can change its predetermined location to a new predetermined location the user chooses to place it (Column 15, lines 24-27)) and "predetermine" or decide the metadata label the user chooses to be displayed by inputting the text the user wishes of be labeled. (Column 15, lines 11-13)

In addition, Eintracht et al discloses detecting selection of at least one of the displayed plurality of predetermined icons. Eintracht et al discloses the ability grab a note at one location, able to drag or move the note to another position or location and drop it at that location on an image. (Column 15, lines 24-27) Since the user has the ability to grab a note, and drag and drop the note at a new location, the detection is inherently detected by positioning the cursor over the note and activating the cursor to the note enabling it to be moved or dragged to a new location.

Furthermore, Eintracht et al discloses determining a location of a subject rendered based on a selection of the subject. Eintracht et al discloses the ability to have the note be moved to a new location. (Column 15, lines 24-27) Since Eintracht et al

discloses the functionality of enabling a note to be moved to be placed at a new location from a prior location, the user is inherently determining a location for the note to be placed.

Finally, Eintracht et al discloses linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image, and storing the linked one or more predetermined metadata labels and the description as an annotation of the image. Eintracht et al discloses the ability for a note to be stored associated with each document. (Column 19, lines 42-67) Since the note includes the label functionality, the label is stored as well. In addition, Eintracht et al discloses an anchor field for each of the notes in a database that stores the coordinates of the note in the document. (Column 17, lines 29-30; FIG 11) Therefore, Eintracht et al discloses the functionality of linking the note to the document and disclosing the precise location of the note in the document.

On the other hand, Examiner agrees that Eintracht et al fails to specifically disclose when determining a location on a image that wherein one or more predetermined metadata labels associated with the selected icon relate to said selected subject. However, Eintracht et al discloses that text can be entered into the metadata area (Column 15, lines 11-13). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention that text inputted into a note that it would contain related subject matter to the image the note would be placed on, then place the note with the information onto the subject in the image would have provided the benefit of a

user using the note annotation to know the details regarding the subject matter within an image or document.

In addition, Examiner agrees that Eintracht et al fails to specifically discloses displaying the images adjacent to the displayed plurality of predetermined labeled icons. However, Berquist et al discloses a feature within an embodiment in FIG 4 of a number of notes being displayed adjacent to an application programming executing window containing a document. In addition, FIG 6 discloses a note placed adjacent to a window containing a document before being dragged onto the document. In addition to the disclosed embodiments of notes being adjacent to a document, Berquist discloses a note may be attached to an object such as a graphic or a video frame (Column 23, lines 43-47) It was well-known in the art at the time of Applicant's invention document have the ability to contain images, or the application program running had the ability to only show an image, thus therefore it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention that a note could be displayed adjacent to the image within a document or within an application program since Berquist et al's feature of displaying notes next to application windows would have provided the benefit to Eintracht et al in which preventing objects on the screen from overlapping, and being able to determine a location prior in moving the object onto the desired location.

Furthermore, Examiner agrees Eintracht et al and Berquist et al fail to specifically disclose forming a bounded region within the image about the location at which the subject is rendered in said image, the bounded region being configured substantially surround the subject. However, Murray et al discloses a bounding box is the rectangle

which encloses the segmented pixels forming a primary homogenous region which depicts objects of interest (Column 2, lines 63-65; Column 4, lines 27-30)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Eintracht et al ability displaying notes with text as icons with labels and Berquist et al's ability to displaying notes next to application windows that may include images with the feature of Murray et al's ability of a bounding box since Murray et al's method would have provided the benefit of an automatic recognition of subjects to identify the presence of people.

Conclusion

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER